

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Land Acquisition – Yeleru Reservoir Project – East Godavari District – Peddapuram Division –Yeleswaram Mandal, J.Annavaram Village, – Land acquired under Award No.20/89,dated.6.7.89 for YRP – Land value enhanced in O.P.No.292/91 – Appeal filed in A.S.No.3151/1999 and dismissed – E.P.No.191/2002 filed for releasization of decretal charges - Sanction of full /final decretal charges – Orders – Issued.

IRRIGATION & CAD (PW.LA.I) DEPARTMENT

G.O.Rt.No. 489

Date:26.7.2010

Read the following:

1. From the Collector & District Magistrate,East Godavari District, Letter.No. G1/217/2006, dated.6.8.2008.
- 2 From the Spl.Chief Secretary to Govt & CCLA,A.P, Hyderabad,Letter No.SPR3/108/2006, dated.2.5.2009.

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ORDER:-

In the references read above, it has been reported that an extent of Ac.10.79 cts of land in S.No.355/1B, situated in J.Annavaram village of Yeleswaram Mandal, was acquired under Award No. 20/89 by the Spl.Dy.Collector (LA), YRP, Unit-3, Peddapuram on 6.7.89 duly fixing the land value @ Rs.55,000/-, 40,000, and 30,000/- per acre to different categories of land. At the request of the aggrieved land owner, the claim U/s 18 of L.A.Act was referred to the Civil Court. The Senior Civil Judge Court, Peddapuram after considering the reference pronounced decree and judgement in O.P.No.292/91 batch (7 cases), dated.23.6.1999. The Lower Court have enhanced the land value to Rs.55,000/-, 50,000/- and 40,000/- per acre awarding additional benefits as per Amended Act.

2. Aggrieved by the Lower Court orders, the State preferred an Appeal against the order and decree dt.23.6.99 in O.P.No.292/91. The Hon'ble High Court in its order dated.1.2.2000 in CMP No. 28123/99 has granted interim stay with a direction to deposit half of the decretal amount within 8 weeks from the date of its order. Proposal for sanction of half of the decretal amount was submitted to the Government. In the mean time the Lower Court passed orders on 2.1.2006 in E.P.No.191/02 for personal appearance of LAO on 9.2.2006 to hear about the quantum of detention period for non depositing of decretal amount. To avoid personal appearance of LAO, he was permitted to deposit the warrant amount before the Execution Court from out of the other Irrigation L.A funds available with him subject to reimbursement. As per the orders of the Execution Court dated 2.1.2006, the LAO has submitted decretal proposal for an amount of Rs.12,96,347/- towards entire decretal amount. In the mean-while the Hon'ble High Court issued orders on 24.8.2006 in A.S.No.3151/99 reducing the Market Value fixed by the Lower Court.

3. The Collector & District Magistrate, East Godavari has requested the Government to sanction and release an amount of Rs.9,84,272/- towards full/final decretal amount to comply with the orders of Hon'ble High Court of A.P.,Hyderabad in A.S.No.3151/99 filed against O.P.No.292/91. The Spl.Chief Secretary to Government & CCLA, A.P., Hyderabad, has forwarded the proposal of the District Collector, East Godavari District and recommended to the Government to sanction the amount of Rs.9,84,637/-

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4. Government have examined the matter carefully and hereby sanction an amount of Rs. 9,84,637/- (Rupees Nine lakh Eighty Four thousand Six hundred and Thirty Seven only) towards full / final decretal charges to comply with the orders of Hon'ble High Court of A.P.,Hyderabad in A.S.No. 3151/99,dt.24.8.2006 filed against O.P.No.292/91., subject to verification whether the reference under section 18 of the LA Act is made to the lower court after following all the guidelines / directions on the subject and in the case it is detected that Sec.18 reference was made contrary to the rules / guidelines issued by the Government /CCLA immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of the ENC (Irr), VYPP as to the extent of land acquired. Further, the Collector should verify the calculations made by the LAO/RDO once again thoroughly with reference to the decree and instructions issued by the Govt/CCLA on the subject from time to time before depositing the amount in Civil Court, duly deducting the Income Tax as per rules in force.
5. The amount sanctioned in para (4) above shall be debitible to "4701 – COL on Major & Medium Irrigation – 01 Major Irrigation (Commercial) – M.H. 116 Y.R.Scheme – G.H.11 Normal State Plan – S.H (26) D&A Works – 530 Major Works – 532 Lands (Charged)". In case, the available budget provision is not sufficient to meet the present requirement, the expenditure shall be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

6. The Engineer-in-Chief, Irrigation, Hyderabad shall take necessary steps for release of L.O.C.

7. This order issues with the concurrence of Finance (Works & Projects) Department vide their U.O.No. 3161/ F.7/(A1)/2010, dt.29.6.2010.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SHAILENDRA KUMAR JOSHI
PRINCIPAL SECRETARY TO GOVERNMENT

To,

The District Collector,East Godavari, Kakinada.
The Spl.Chief Secretary to Govt & CCLA.,A.P.,Hyderabad.
The Engineer-in-Chief(Irr),Errumanzil,Hyderabab.
The Sub-Collector, Rampachodavaram,E.G.Dist.
The Director of Works Accounts, Hyderabad.
The Joint Director of Works Accounts, Dowlaiswaram.
The Accountant General, Andhra Pradesh, Hyderabad.

Copy to:-

The Finance (Works & Projects) Department
Stock File / Spare copies
In the file C.No.25275/L.A.I(A2)/2008.

//FORWARDED: : BY ORDER//

SECTION OFFICER